

STATEMENT OF CHARLES C. MADDOX, ESQ.
INSPECTOR GENERAL
BEFORE THE COMMITTEE ON THE JUDICIARY
NOVEMBER 13, 2002

GOOD MORNING CHAIRPERSON PATTERSON AND MEMBERS OF THE COMMITTEE. I WELCOME THIS OPPORTUNITY TO SHARE WITH YOU THE RESULTS OF OUR INSPECTION OF THE DEPARTMENT OF CORRECTIONS (DOC), CENTRAL DETENTION FACILITY (CDF). I BELIEVE THAT THESE HEARINGS PROVIDE BENEFICIAL FEEDBACK TO INSPECTED AGENCIES AS WELL AS TO THOSE WHO OVERSEE THEM. THEY ALSO SERVE AS A PERMANENT, PUBLIC RECORD OF THE ISSUES WE IDENTIFY, THE RECOMMENDATIONS WE MAKE, AND THE MILESTONES FOR IMPROVEMENT ESTABLISHED FOR ALL THOSE INVOLVED IN OUR INSPECTION AND AUDIT ACTIVITIES.

IN THIS STATEMENT, I WILL PROVIDE BACKGROUND ON THE CONDUCT OF THIS INSPECTION AND HIGHLIGHT THE MOST CRITICAL FINDINGS AND ISSUES FACING THE CENTRAL DETENTION FACILITY WHICH I WILL REFER TO HEREAFTER AS THE CDF. FIRST, HOWEVER, LET ME BRIEFLY EXPLAIN WHAT AN INSPECTION IS. INSPECTIONS ARE BOTH SIMILAR TO AND DIFFERENT FROM AUDITS. AUDITS TYPICALLY TAKE AN INCH-WIDE, MILE-DEEP LOOK AT ORGNIZATIONS, PROGRAMS AND FUNCTIONS, WITH A VIEW TOWARDS IDENTIFYING WHETHER PROGRAM RESULTS ARE BEING ACHIEVED. INSPECTIONS, ON THE OTHER HAND, USUALLY GO A MILE WIDE AND A MILE DEEP, WITH A FOCUS ON THE OVERALL MANAGEMENT AND OPERATIONS OF AN AGENCY OR PROGRAM. ULTIMATELY, OUR INSPECTION GOAL IS TO PROVIDE AN INDEPENDENT SOURCE OF INFORMATION SO THAT MANAGERS CAN BETTER MEASURE PERFORMANCE AND ASSESS EFFICIENCY AND EFFECTIVENESS.

OUR PRIMARY MESSAGE TODAY IS THAT THE INSPECTION TEAM FOUND SIGNIFICANT DEFICIENCIES IN MOST OPERATIONAL AREAS OF THE CDF AND A

CDF-MANAGED HALFWAY HOUSE. THE INSPECTION REVIEWED CONDITIONS BETWEEN APRIL 2001 THROUGH JUNE 2001. THE DEFICIENCIES, WHICH HAVE BEEN DISCUSSED WITH DOC MANAGEMENT, INCLUDE THE FOLLOWING ISSUES:

- REPEATED HEALTH AND SAFETY VIOLATIONS CITED AT THE CDF AND THE HALFWAY HOUSE BY CDF PERSONNEL, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS (DCRA) INSPECTORS, AND DOC INSPECTORS HAD NOT BEEN ABATED;
- DEFICIENCIES CITED DURING DEPARTMENT OF HEALTH (DOH) AND DCRA INSPECTIONS WERE UNABATED IN VIOLATION OF COURT STIPULATION;
- DESPITE NUMEROUS STUDIES OF THE RECORDS OFFICE AND RECOMMENDATIONS FOR IMPROVEMENTS, ITS POOR HANDLING OF INMATE RECORDS AND OTHER INFORMATION CONTINUED TO CAUSE SIGNIFICANT PROBLEMS, INCLUDING THE PREMATURE AND DELAYED RELEASE OF INMATES;
- INACCURATE INFORMATION IN THE COMPUTER SYSTEM RESULTED IN INMATES BEING RELEASED TOO EARLY OR INCARCERATED BEYOND THEIR RELEASE DATES; AND
- DOC MANAGEMENT HAD NOT IMPLEMENTED RECOMMENDATIONS IN TWO DISTRICT OF COLUMBIA AUDITOR REPORTS PERTAINING TO OVERCROWDED CONDITIONS AT THE HALFWAY HOUSE.

BACKGROUND AND OBJECTIVES

THE CENTRAL DETENTION FACILITY PROVIDES SECURITY, CUSTODY AND CARE TO ALL PERSONS COMMITTED OR PLACED IN TEMPORARY CUSTODY BY THE COURTS, U.S. MARSHALS, FEDERAL BUREAU OF PRISONS, OR OTHER AUTHORITY.

OUR INSPECTION OBJECTIVES WERE TO EVALUATE THE EFFECTIVENESS OF CDF PROCESSES AS MEASURED AGAINST STANDARDS SET BY DOC AND CDF

MANAGEMENT; AND TO DETERMINE COMPLIANCE WITH DISTRICT AND FEDERAL LAWS AND REGULATIONS, AND AMERICAN CORRECTIONAL ASSOCIATION STANDARDS FOR ADULT LOCAL DETENTION FACILITIES. WE ALSO EVALUATED THE SUFFICIENCY OF INTERNAL CONTROLS AND RESOURCES IN THE OPERATIONAL AREAS INSPECTED.

HOW THE INSPECTION WAS CONDUCTED

THE INSPECTION TEAM CONDUCTED 50 INTERVIEWS WITH EMPLOYEES, SUPERVISORS, AND ADMINISTRATORS; THEY REVIEWED NUMEROUS DOCUMENTS, REGULATIONS AND LAWS; AND THEY DIRECTLY OBSERVED KEY WORK PROCESSES AND INSPECTED SELECTED WORK AREAS AND FACILITIES.

I AM PLEASED TO SAY THAT THE DIRECTOR OF DOC, THE CDF WARDEN, SENIOR DOC OFFICIALS, AND CDF MANAGEMENT WERE FULLY COOPERATIVE AND RESPONSIVE DURING ALL PHASES OF THE INSPECTION. IN ADDITION, THEY CONCURRED WITH MANY OF OUR FINDINGS AND RECOMMENDATIONS. WHERE THEY DID NOT CONCUR, THEY PROVIDED ACCEPTABLE ALTERNATIVES AND CLEARLY ARTICULATED THEIR INTENT TO TAKE APPROPRIATE CORRECTIVE ACTION.

HIGHLIGHTS OF MAJOR FINDINGS

AS I STATED EARLIER, THE INSPECTION TEAM FOUND SIGNIFICANT DEFICIENCIES IN NEARLY ALL INSPECTED AREAS OF THE CDF AND THE HALFWAY HOUSE. THE FOLLOWING, HOWEVER, ARE WHAT I CONSIDER TO BE THE MAJOR FINDINGS IN THE REPORT:

REPEATED HEALTH AND SAFETY VIOLATIONS WERE NOT BEING ABATED.

THE TEAM REVIEWED HEALTH AND SAFETY REPORTS ISSUED BY CDF MANAGEMENT AND DOH HEALTH INSPECTORS AS WELL AS A DCRA INSPECTION REPORT. THE REPORTS REVEALED THAT EACH AGENCY CITED THE SAME, REPEATED VIOLATIONS, WHICH WERE RAMPANT IN BOTH FACILITIES.

VIOLATIONS SUCH AS VERMIN AND RODENT INFESTATION, IMPROPER STORAGE OF HAZARDOUS WASTE, AND NUMEROUS OTHER UNSAFE AND UNSANITARY CONDITIONS WERE CONTINUALLY NOTED ON THE INSPECTION REPORTS OVER A TWO-YEAR PERIOD. UNFORTUNATELY, THE CONDITIONS WERE NOT ABATED.

DEFICIENCIES CITED REMAIN UNABATED IN VIOLATION OF COURT STIPULATION. PURSUANT TO THE STIPULATION OF PARTIES IN *CAMPBELL V. MCGRUDER*, CDF MANAGEMENT WAS TO ARRANGE FOR INSPECTIONS BY DCRA AND DOH. UPON COMPLETION OF THESE INSPECTIONS, THE RESPECTIVE AGENCIES WERE TO PROVIDE A REPORT INDICATING DOC'S COMPLIANCE WITH APPLICABLE BUILDING, ENVIRONMENT, HEALTH, AND SAFETY CODES AND REGULATIONS. DOC, UPON RECEIPT OF THE INSPECTION REPORT, WAS TO PROVIDE AN ABATEMENT PLAN WHICH ADDRESSED THE FINDINGS OF THE INSPECTION REPORT. A SUBSEQUENT INSPECTION OF DOC FACILITIES BY THE OIG INSPECTION TEAM FOUND THAT THESE DEFICIENCIES STILL EXISTED AND THAT THE SAME DEFICIENCIES WERE CITED ON THE DOH QUARTERLY INSPECTION REPORTS AND HAD NOT BEEN ABATED. DOC REMAINS NON-COMPLIANT WITH SOME COURT ORDERED MANDATES AND CONTINUES TO PLACE BOTH INMATE AND EMPLOYEE HEALTH AND SAFETY AT RISK.

POOR HANDLING OF INMATE RECORDS AND OTHER INFORMATION BY THE RECORDS OFFICE. THE INSPECTION TEAM FOUND THAT MANY PROBLEMS IN THE RECORDS OFFICE HAD NOT BEEN ADDRESSED. SOME EXAMPLES INCLUDE THE FOLLOWING: LACK OF POLICIES AND PROCEDURES, LACK OF FORMAL TRAINING, INACCURATE AND UNTIMELY COMPUTATION OF SENTENCES BY THE LEGAL INSTRUMENT EXAMINERS, LACK OF SECURITY AND QUALITY CONTROL OF INMATE FILES, AND ERRORS ASSOCIATED WITH RETRIEVING AND PURGING INFORMATION IN THE AUTOMATED RECORDS JAIL AND COMMUNITY CORRECTIONS SYSTEM (JACCS). INACCURATE INFORMATION IN THE COMPUTER SYSTEM HAS RESULTED IN INMATES BEING RELEASED TOO EARLY OR INCARCERATED BEYOND THEIR RELEASE DATES. IN ADDITION, AN INTERNAL

AUDIT COULD NOT LOCATE OFFICIAL FILES ON 100 INMATES, AND EIGHT LEGAL INSTRUMENT EXAMINER POSITIONS CRITICAL TO EFFECTIVE INMATE PROCESSING REMAIN UNFILLED.

OVERCROWDED CONDITIONS AT THE HALFWAY HOUSE. THE HALFWAY HOUSE WAS ORIGINALLY DESIGNED TO ACCOMMODATE 139 INMATES; HOWEVER, AT THE TIME OF THIS INSPECTION, IT HOUSED 205 INMATES. ONE OF THE D.C. AUDITOR'S REPORTS CITED A DCRA INSPECTION OF THE HALFWAY HOUSE THAT RESULTED IN 26 FLOOR SPACE VIOLATIONS OF TITLE 14 OF THE D.C. MUNICIPAL REGULATIONS (DCMR) ON HOUSING. DCRA LEVIED A \$50 FINE FOR EACH VIOLATION FOUND DURING THAT INSPECTION FOR A TOTAL OF \$1,300. THERE WERE 87 BEDS MORE THAN ALLOWABLE FOR THE AVAILABLE FLOOR SPACE. THE DEFICIENCIES RECORDED IN THE AUDITOR'S REPORT STILL EXISTED, AND RECOMMENDATIONS HAD NOT BEEN IMPLEMENTED AT THE TIME OF OUR INSPECTION.

OIG RECOMMENDATIONS

IN LIGHT OF THESE FINDINGS, WE MADE 55 SPECIFIC RECOMMENDATIONS THAT WE BELIEVE CAN ASSIST DOC MANAGEMENT IN TAKING CORRECTIVE ACTIONS. THEY INCLUDE:

- IMPLEMENTING FOLLOW-UP INSPECTIONS WITHIN 30 DAYS OF OUR INITIAL INSPECTION TO ENSURE ABATEMENT OF CITED VIOLATIONS;
- ABATEMENT OF DEFICIENCIES CITED IN INSPECTIONS PROVIDED BY INTERNAL AND EXTERNAL AGENCIES, AND COMPLIANCE WITH DOC HOUSEKEEPING POLICIES AND PROCEDURES;
- ESTABLISHING POLICIES AND PROCEDURES TO VERIFY THE ACCURACY OF DATA AND SENTENCE COMPUTATIONS ENTERED INTO THE JACCS SYSTEM TO ENSURE INMATES ARE NOT BEING HELD BEYOND THEIR RELEASE DATES;

- LOCATING OR RE-CREATING ALL MISSING OFFICIAL INMATE FILES AND DEVELOPING A MEANS OF TRACKING INMATE FILE FOLDERS; AND
- REVIEWING D.C. AUDITOR REPORTS AND IMPLEMENTING RECOMMENDATIONS PERTAINING TO THE OVERCROWDED CONDITIONS AT THE HALFWAY HOUSE.

COMPLIANCE AND FOLLOW-UP

I WOULD LIKE TO MAKE CLEAR MY STRONG BELIEF THAT AGENCY MANAGERS MUST WORK TO IMPLEMENT RECOMMENDATIONS THEY THEMSELVES ACKNOWLEDGE CAN HELP RECTIFY PROBLEMS. MY RESPONSIBILITY AS INSPECTOR GENERAL IS TO FOLLOW-UP ON THEIR ACTIONS OR THEIR INACTION, AND TO INFORM THE MAYOR, THIS COUNCIL, AND OTHER STAKEHOLDERS ABOUT AGENCY PROGRESS. AS A MATTER OF POLICY, A MAJOR PART OF THIS FOLLOWUP IS CONTINUOUS POST-INSPECTION CONTACT WITH AGENCIES. IN THE CASE OF THIS INSPECTION, WE HAVE SENT THE DIRECTOR OF DOC A COMPLIANCE TRACKING FORM FOR EACH FINDING AND RECOMMENDATION. OUR INSPECTIONS DIVISION COMPLIANCE OFFICER WILL COORDINATE WITH DOC TO VERIFY COMPLIANCE WITH OUR RECOMMENDATIONS OVER ESTABLISHED TIME PERIODS. IN ADDITION, WE WILL ISSUE PERIODIC REPORTS ON COMPLIANCE BY DOC AND OTHER INSPECTED AGENCIES TO THIS COMMITTEE AND ALL OTHER RECIPIENTS OF OUR ORIGINAL INSPECTION REPORT. BASED ON THE COOPERATION AND RESPONSIVENESS EXHIBITED BY DOC LEADERSHIP THUS FAR, I AM CONFIDENT THAT THE DEPARTMENT CAN TAKE POSITIVE STEPS TOWARD IMPROVING ITS OPERATIONS AND PERFORMANCE.

THIS CONCLUDES MY STATEMENT ON OUR INSPECTION OF THE CENTRAL DETENTION FACILITY.